

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHRISTY KEMPER,)	
PLAINTIFF,)	
)	CIVIL ACTION NO.:
VS.)	4:09-cv-1245
)	
)	JURY TRIAL DEMANDED
MERCANTILE ADJUSTMENT)	
BUREAU, LLC)	UNLAWFUL DEBT COLLECTION
DEFENDANT.)	PRACTICES

COMPLAINT

I. INTRODUCTION

1. Plaintiff Christy A. Kemper alleges that Defendant committed unfair acts in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDCPA"). Specifically, Defendant, through the actions of its employees, left prerecorded messages on Plaintiff's residential phone voice message system in an attempt to collect on a consumer debt. The messages were false and deceptive in that they did not give the required disclosure regarding Defendant's status as a debt collector and that the communication was being made in an effort to collect a debt, and failed to provide meaningful information about Defendant's identity.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1337 and diversity of citizenship. Venue in this District is proper in that the Defendant transacted business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff is a natural person residing in the County of St. Louis, State of Missouri.

4. Defendant Mercantile Adjustment Bureau, LLC (hereinafter referred to as “Mercantile”) is a New York corporation operating from an address at 40 West Avenue, Rochester, NY 14611, and doing business in the State of Missouri.

Mercantile’s registered agent is National Registered Agents, Inc., 300-B East High Street, Jefferson City, Missouri 65101.

5. Mercantile is subject to the jurisdiction and venue of this Court.

FACTUAL ALLEGATIONS

6. Mercantile uses telephone communications in its business.

7. The principle purpose of Mercantile’s business is the collection of debts.

8. Mercantile regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, another.

9. Mercantile is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.

10. In the course of attempting to collect a debt allegedly due from Plaintiff to another business not a party to this litigation, Mercantile communicated with Plaintiff in a manner which violated the Federal Fair Debt Collection Practices Act.

11. In the time spanning from March 1, 2009 to August 4, 2009, Mercantile left a series of 11 prerecorded voice messages on Plaintiff’s residential phone voice message system.

12. In these telephone messages, Mercantile failed to give meaningful disclosure of its identity.

13. In these telephone messages, Mercantile did not state that the communication was from a debt collector.

14. In these telephone messages, Mercantile did not state that the communication was an attempt to collect a debt.

15. Defendant never sent any written communication to Plaintiff during the course of its attempts to collect on this debt.

16. Defendant's communications violate the Fair Debt Collection Practices Act.

17. Plaintiff has complied with all conditions precedent to bring this action.

VIOLATIONS OF THE FDCPA

18. Plaintiff incorporates herein by reference each and every prior allegation and fact as though fully restated and re-alleged.

19. The acts of Defendant constitute violations of the Fair Debt Collection Practices Act.

20. Defendant's violations of the FDCPA include, but are not limited to, the following:

21. The placement of telephone calls without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6);

22. The use of any false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. § 1692e;

23. The use of any false representation or deceptive means to collect or attempt to collect any debt, in violation of 15 U.S.C. § 1692e(10);

24. The failure to make the disclosures in all communications, in violation of 15 U.S.C. § 1692e(11) ; and

25. Defendant failed to effectively communicate the statement of consumer's rights mandated by 15 U.S.C. § 1692g.

26. As a result of the Defendant's actions, the Plaintiff is entitled to an award of statutory damages, as well as an award of costs and attorney's fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k;
- B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;
- C. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

/s/ Christy Kemper
Christy Kemper

Respectfully submitted,

THE SWANEY LAW FIRM

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